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SENATE BILL 324 By
Clabough

HOUSE BILL 1901
By Sands

AN ACT to amend Tennessee Code Annotated, Title 56, relative to insuring the public disclosure of information or documentation relating to the Department of Commerce and Insurance's supervision, rehabilitation or liquidation of an insurance company, health maintenance organization or other managed care organization primarily engaged in furnishing healthcare services under a publicly funded medical assistance program.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 56-9-202, is amended by designating current language of this section as subsection (a), and by adding the following language to be designated as follows:

(b) The provisions of subsection (a) shall not be applicable in any proceeding where the insurer on the date of the filing of the proceeding had derived fifty-one percent (51%) or more of its revenue for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program. In these cases, the records of the insurer, other documents, and all insurance department files and court records and papers, so far as they pertain

to, or are a part of, the record of the proceeding, shall be open to public inspection under the Tennessee Public Records Act promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under federal or state law.

SECTION 2. Tennessee Code Annotated, Section 56-9-504, is amended by adding the following as a new subsection:

() This section does not apply to hearings, notices, correspondence reports, records or other information obtained by the placing under supervision of any insurer who derived as of the date of the supervision more than fifty-one percent (51%) of its total revenues for the past twelve (12) months from a contract or contracts with a governmental entity to provide health care services to enrollees in a publicly funded medical assistance program. In such cases, the hearings, notices, correspondence, reports, records or other information obtained during the supervision shall be open to the public under the Tennessee Public Records Act, promulgated at Section 10-7-503, et seq., unless otherwise required to be maintained as confidential under federal or state law.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.